

**AUCTIONEER BOARD  
MINUTES  
MADISON, WISCONSIN  
JANUARY 25, 1999**

**PRESENT:** Richard Lust, Robert Massart, Robert Brandau, Marie Skic-Loy, Mark Shain (by telephone), Marie Kohlbeck (by telephone)

**EXCUSED:** Ronald Bast

**STAFF PRESENT:** Cletus Hansen and Donald Rittel; Xiaodong Li was present for the Open Session.

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of six members was present.

**AGENDA**

**MOTION:** Marie Skic-Loy moved, seconded by Robert Massart, to adopt the agenda as published. Motion carried unanimously.

**MINUTES (10/26/98)**

**MOTION:** Marie Skic-Loy moved, seconded by Robert Massart, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Secretary Marlene Cummings was not available.

**Division Administrator's Report**

Clete Hansen addressed the following issues:

- **1999 Meeting Dates**

The Board received a copy of the 1999 Screening Panel and Board meeting dates. Board members will be notified in the event Chairman Lust and Cletus Hansen cancel a meeting due to a lack of agenda items. More than likely, meetings will be every other month. Richard Lust and Marie Kohlbeck advised that they will not be available for the meeting scheduled in February. Therefore, no meeting will be held on this date, unless board action is urgently needed.

- **Roster**

The Board received a copy of the Auctioneer Board roster. Changes and additions were suggested by Richard Lust, Robert Massart and Mark Shain.

Clete Hansen reviewed the fee changes proposed by the Department in the Biennial Budget Bill.

Clete Hansen reviewed with the board a rough draft of the next issue of the Regulatory Digest, which is scheduled for February, 1999.

### **LEGISLATIVE UPDATE**

The Board noted a memorandum, dated January 13, 1999, from Clete Hansen to Myra Shelton, requesting the drafting of legislation to permit the Department to prepare administrative rules which would permit registrants to abbreviate "registered Wisconsin auctioneer."

The Board noted correspondence from Clete Hansen to Myra Shelton concerning LRB-4124/2 which would permit people under the age of 18 to call auctions in some circumstances.

### **ADMINISTRATIVE RULES UPDATE**

#### **Advertising and Trust Funds**

Clete Hansen and Don Rittel advised the Board that the rule draft either had recently been sent or will be sent to the legislative committees very soon.

### **RECIPROCITY**

#### **Kentucky**

The board reviewed an offer of reciprocity received from the Kentucky Board of Auctioneers.

**MOTION:** Robert Massart moved, seconded by Marie Kohlbeck, to recommend that Secretary Marlene Cummings sign the agreement and to authorize Richard Lust to sign the agreement on behalf of the Board. Motion carried unanimously.

The board also discussed other correspondence concerning reciprocal agreements

### **NATIONAL AUCTIONEER LICENSE LAW OFFICIALS ASSOCIATION**

The Board noted a copy of the December 1, 1998, letter from Barbara Schoen, Executive Secretary of the National Auctioneer License Law Officials Association (NALLOA)

### **PRACTICE ISSUES: BIDDING BY SELLER**

The Board received a copy of Cletus Hansen's December 3, 1998, memorandum relating to the statutes and rules of other states. Richard Lust stated that this is an educational issue for auctioneers. No other action was taken.

### **MISCELLANEOUS INFORMATION/CORRESPONDENCE**

Correspondence to and from Martin I. Davis, relating to continuing education requirements, and other informational pieces. Noted.

### **NEW BUSINESS**

No new business.

## RECESS TO CLOSED SESSION

**MOTION:** Mark Shain moved, seconded by Marie Skic-Loy, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried by a roll call vote: Robert Massart-yes; Marie Kohlbeck-yes; Richard Lust-yes; Marie Skic-Loy-yes; Mark Shain-yes; Robert Brandau - yes.

Open Session recessed at 10:15 .m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on one proposed decision.

Final voting on this issue was conducted in Open Session.

## ADJOURN CLOSED SESSION

**MOTION:** Marie Skic-Loy moved, seconded by Robert Massart, to adjourn the Closed Session to reconvene in Open Session, as publicly announced. Motion carried unanimously.

Closed Session adjourned at 10:43 a.m.

## RECONVENE IN OPEN SESSION

**MOTION:** Marie Skic-Loy moved, seconded by Robert Massart, to adjourn the Closed Session to reconvene in Open Session, as publicly announced. Motion carried unanimously.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

### PROPOSED DECISION

**MOTION:** Robert Massart moved, seconded by Marie Kohlbeck, to accept the Findings of Fact, but to amend Section III of the Conclusions of Law and to amend the Order, in the disciplinary matters involving **ABID M. BUTT, d.b.a. ABID BUTT COMPANY**, to find that the Respondent did submit false information and did make a material misstatement in his application for a certificate and to suspend the registration of the Respondent for 1 year and that the respondent pay the costs, as stated in the Order. Motion carried with 5 board members voting Yes, and Mark Shain, Case Advisor, abstaining from participation in the discussion and the voting.

The Board requested that the issue of temporary permits be placed on the next agenda.

## **ADJOURNMENT**

**MOTION:** Robert Brandau moved, seconded by Marie Skic-Loy, to adjourn the meeting at 11:00 a.m. Motion carried unanimously.

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